



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

Design Memorandum No. 07-03 Technical Advisory

January 29, 2007

TO: All Design, Operations, and District Personnel, and Consultants

FROM: /s/ Anthony L. Uremovich
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Production Management Division

SUBJECT: ADA Responsibilities Associated with Sidewalk Improvements

COMPLEMENTS: *Indiana Design Manual Section 51-1.08*

EFFECTIVE: Immediately

Highway or street resurface, rehabilitation, or improvement work in a suburban, intermediate, or urban (built-up) area in a city or town often requires the providing of adjacent curbs and sidewalks, or the repair or replacement of these facilities. In such an area, especially an urban (built-up) area, the faces of commercial or public buildings are often constructed on or in very close proximity to the right-of-way or property line.

State and local governmental entities under Americans with Disabilities Act (ADA) Title II are required to provide ADA-accessible facilities within the public right of way where public facilities such as public buildings, curbs and sidewalks, rest areas, weigh stations, etc., are currently located or are to be provided.

Private businesses which are considered to be places of public accommodations such as retail businesses, restaurants, doctor's offices, law offices, etc., are required under ADA Act Title III to provide ADA-accessible facilities on their private properties.

Often, curb or sidewalk repairs or replacements may require changes in sidewalk elevations within the public right of way. INDOT is responsible for ascertaining that ADA requirements are addressed on INDOT right of way. A business that serves the public and has a building with the building face on or nearly on the right-of-way or property line is responsible for ensuring that the building entrances or walks, etc., are ADA-compliant and compatible with the adjacent public right-of-way sidewalk.

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